

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

RYAN REISS and SHAWN REISS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	Case No. 3:18-cv-183-JPG-RJD
LIFE INSURANCE COMPANY OF NORTH	)	
AMERICA, a CIGNA Company, QUEST	)	
DIAGNOSTICS, INC., and EMMITT TINER,	)	
	)	
Defendants.	)	

**JOINT MOTION TO STAY THE CASE PENDING ISSUANCE OF  
CERTIFIED DEATH CERTIFICATE**

NOW COMES, Ryan Reiss and Shawn Reiss ("Plaintiffs"), Life Insurance Company of North America ("LINA"), and Quest Diagnostics, Inc. ("Quest"), by their undersigned counsel, respectfully moves this Honorable Court to stay this case pending the issuance of a certified death certificate, stating in support of this motion as follows:

1. On January 4, 2017, Plaintiffs brought this action in state court alleging Plaintiffs are alone entitled to the death benefits of Brenda Sue Reiss ("Decedent") stemming from Group Term Life Insurance Policy No. FLX-980057.
2. The complaint alleges Decedent executed and submitted to Quest a Life Insurance Beneficiary Form naming Plaintiffs as primary beneficiaries on July 17, 2012. (Complaint at ¶5).
3. The complaint further alleges that on October 3, 2016, Decedent purportedly submitted to Quest a "2016 Enrollment Change Form" which states "Add names and % of insurance" "Emitt Tiner 100%". (Complaint at ¶6).

4. Plaintiffs allege that at the time of submitting the "2016 Enrollment Change Form" Decedent was of unsound mind and memory, was lacking mental capacity, ability, and was otherwise incompetent. (Complaint at ¶7).

5. Plaintiffs' claims relate to a group term life insurance policy that is part of an employment welfare benefit plan within the definition of the Employee Retirement Income Security Act of 1974 ("ERISA"), thus this matter was appropriately removed to Federal Court on February 6, 2018. (*See* Doc #1 Notice of Removal).

6. LINA has through March 13, 2018 to file a responsive pleading in this matter. (*See* Doc #9 Order Granting Motion for Extension of Time to File Answer).

7. Quest also has through March 13, 2018 to file a responsive pleading in this matter. (*See* Doc #15 Order Granting Motion for Extension of Time to File Answer).

8. LINA's responsive pleading will include a Counterclaim for Interpleader so that this Court may determine the appropriate beneficiary of Decedent's Group Term Life Insurance Policy death benefit.

9. However, Plaintiffs' counsel has informed Defendants that the FBI is currently investigating the death of Decedent. As a result, the coroner has been unable to issue a certified copy of Decedent's death certificate indicating a cause of death.

10. Without a certified death certificate and determination of Decedent's cause of death, it is impossible to determine if the benefit is payable and, potentially, to whom the benefit may be payable to.

11. Once the certified death certificate, indicating a cause of death, has been issued, this Court will be able to adjudicate LINA's Counterclaim for Interpleader.

12. To date, Plaintiffs have been unable to serve Emmitt Tiner.

13. The parties which have appeared believe that a 120 day stay will be sufficient for issuance of Decedent's certified death certificate, and therefore request that this case be stayed for 120 days.

14. This motion is not being brought for purposes of delay, but is brought rather to avoid piecemeal litigation and to conserve the Court's and the parties' resources.

WHEREFORE, the parties request that this Honorable Court stay the case for 120 days pending the coroner's issuance of Decedent's certified death certificate and for any other relief this court deems just and proper.

Respectfully submitted,

By: /s/ James R. Myers (with consent)

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*Attorneys for Quest Diagnostics*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on March 12, 2018, the foregoing was filed electronically with the Clerk of the Court using the CM/ECF system which will send notification to all parties of record.

/s/ James M. Brodzik